

03 2006

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MEMO ENDORSED

September 6, 2006

Via Mail

The Honorable Richard M. Berman
United States District Court Judge
United States District Court
Southern District of New York
40 Centre Street, Room 706
New York, NY 10007

Re: Lewis v. City of New York et al
04 CV 3696 (RMB)

Dear Judge Berman:

Please be advised that on May 2, 2006 this office faxed a letter to Magistrate Judge Fox and opposing counsel, Sheryl Bruzesse, Esq. advising the Court that the within plaintiff's criminal defense attorneys have undertaken to file an appeal of the plaintiff's conviction in this matter. The Court's stay was requested as any change in the criminal conviction in this matter would necessarily have an effect on this matter.

Case is placed on
County suspension
calendar on consent.

SO ORDERED
Date: 9/14/06
Richard M. Berman
Richard M. Berman, U.S.D.J.

Following submission of the letter, this office did not receive a response from the Court.

Therefore, the undersigned requests that your Honor permit a stay of discovery in this matter until the appellate process is concluded. Defense counsel has no objection to this request.

We thank your for your consideration in this matter.

Very Truly Yours:

David A. Zelman (DZ 8578)

cc: Sheryl A. Bruzese, Esq. (via fax)
Assistant Corporation Counsel

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May 2, 2006

Honorable Kevin N. Fox
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Lewis v. The City of New York
Index #: 04-CV-3696

Honorable Kevin N. Fox:

The undersigned has been informed that Plaintiff's criminal defense attorneys have undertaken an appeal of plaintiff's trial. Following a discussion with defense counsel, wherein defense counsel voiced no objection, the undersigned requests a stay of the above captioned action until the conclusion of the criminal appeal. A favorable ruling in plaintiff's appeal would necessarily impact this action.

Enclosed please find the letter from the Legal Aid Society which is prosecuting the appeal.

Thank-you for your cooperation.

Very Truly Yours:

David A. Zelman

cc: Sheryl A. Bruzzese, Esq.
Via Fax